

from his detreated corn which show that the tested corn contained low levels of captan (2 ppm or less). Mr. Hunt claims that he avoids detreating seeds that contain pesticide residues other than captan by having his trucker check the labels on all seed that is picked up for detreatment. Finally, Mr. Hunt asks if EPA would allow him to continue his operation for a few more years because of the sizable investment he has put into it.

For the reasons below, EPA must deny Mr. Hunt's objections. Magnitude of residue data, such as were requested here, are critical data in establishing or supporting tolerances and food additive regulations for pesticide residues. As EPA's Pesticide Assessment Guidelines explain, "[r]esidue chemistry data on processed food/feed are used by the Agency to estimate the exposure of the general population to pesticide residues in foods (including animal commodities) and for setting and enforcing food additive tolerances for pesticide residues in or on processed food/feed under provisions of Section 409 of the Federal Food, Drug, and Cosmetic Act." (Pesticide Assessment Guidelines, Subdivision O, Addendum 4, p. 2 [MIS #PB88-117270, EPA 540/09-88-004 (Nov. 1987)].)

Without magnitude-of-residue data, EPA cannot make accurate exposure estimates and hence risk estimates also will be inaccurate. The anecdotal information supplied by Mr. Hunt cannot substitute for safety evaluations made on the basis of valid scientific data. Additionally, magnitude-of-residue data allow EPA to establish enforcement levels in tolerances and food additive regulations that are representative of the residue levels that will be found under proper pesticide use patterns. If tolerances and food additive regulations are set at levels exceeding what could be expected from normal usage, then pesticide users might be encouraged to apply pesticides without strict regard to label requirements or not to follow proper detreatment procedures. If tolerances and food additive regulations are set too low, then otherwise safe food may be seized by the Food and Drug Administration or Department of Agriculture.

It is true that several foods have captan tolerances at levels exceeding the levels Mr. Hunt has reported in his detreated corn, but those tolerances are supported by residue data and the safety of those tolerances has been evaluated based on those data, consumption pattern data, and information on exposure from other uses of captan. If residue data had been submitted for

detreated corn, a similar analysis could have been performed for the food additive regulation at issue.

The sampling results submitted by Mr. Hunt are no substitute for the magnitude-of-residue data requested. They represent a single detreatment method under unspecified conditions. Several summary analysis reports are given, indicating residues on detreated corn ranging from less than 0.01 ppm to 2.6 ppm. The analytical methods are not specified, and no method validation data were included. Moreover, no data were provided on the same corn prior to detreatment. The data are of the type that a business might use to monitor quality control in its process, but the data are totally inadequate for fulfilling residue chemistry data requirements. Mr. Hunt appears to follow a careful procedure for not detreating seed containing other than captan residues, but this alone is not grounds for maintaining the food additive regulation. Finally, EPA recognizes that Mr. Hunt may have a sizable investment in his operation, but tolerances and food additive regulations are rules of national application, and Mr. Hunt's investment cannot justify maintaining the legality of these pesticide residues nationwide.

Accordingly, the objections are denied. This Order is issued under FFDCA section 409(f) and is subject to judicial review as provided in FFDCA section 409(g).

Dated: September 26, 1994.

Lynn R. Goldman,
Assistant Administrator for Prevention,
Pesticides and Toxic Substances.

[FR Doc. 94-26805 Filed 11-1-94; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 300

[FRL-5100-2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Ringwood Mines/Landfill Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Ringwood Mines/Landfill site (Site) from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of

the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New Jersey have determined that no further action is appropriate under CERCLA.

EFFECTIVE DATE: November 2, 1994.

FOR FURTHER INFORMATION CONTACT:

Mr. Lance R. Richman, P.G., Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Rm. 13100, New York, New York 10278, (212) 264-6695.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Ringwood Mines/Landfill Site, Ringwood Borough, New Jersey.

A Notice of Intent to Delete for this Site was published in the **Federal Register**, on December 8, 1993 (58 FR 64539). The closing date for comments on the Notice of Intent to Delete was January 7, 1993. EPA has received no comments. Therefore there is no responsiveness summary.

The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action. Deletion of a site from the NPL does not effect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: October 19, 1994.

William J. Muszynski,
Deputy Regional Administrator, USEPA
Region II.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601-9657; 33 U.S.C. 1321(c)(2); (E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site "Ringwood Mines Landfill, Ringwood Borough, New Jersey".

[FR Doc. 94-27169 Filed 11-1-94; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[DA 94-1158]

Revised Procedures for Filing an Amateur Service License Application

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends the amateur service rules to provide an electronic filing capability to the volunteer-examiner coordinators (VECs), to clarify that amateur station and operator licensees are authorized as soon as the license data is entered into the Commission's licensee data base, and to reflect other non-substantive procedural changes. This action is necessary because recent modernization of the Commission's data processing capabilities makes it possible to greatly reduce the time it takes for us to grant licenses in the amateur service, and all of the VECs have notified us that they want to begin electronic filing of license application data as soon as possible. The intended effect of this action is to allow successful license examinees to operate their amateur stations as soon as possible. The text of the final rules is at the end of this document.

EFFECTIVE DATE: December 20, 1994.

FOR FURTHER INFORMATION CONTACT:

William T. Cross, Special Services Division, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554; or telephone (202) 632-4964.

SUPPLEMENTARY INFORMATION:

1. This is a summary of the Order adopted October 17, 1994, and released October 24, 1994. The complete text of this Order, including the rule amendments, may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

2. Accepting from the VECs electronically filed data from applications for new and upgraded amateur operator licenses, will eliminate the time and effort required

for the VECs to send, and for the Commission to receive, application documents by mail. As part of their routine operations, the VECs enter the data from the application documents they receive into an electronic form that can be sent at high speed over telephone lines to our license processing facility. This data can be used as received so that our license processors could discontinue manually reentering the data into the processing system. We have been making arrangements with the VECs to enable them to use electronic filing procedures similar to those that have been implemented for certain private land mobile radio services. The FCC Form 610 has been revised to accommodate electronic filing. VECs may also continue to send by mail to our license processing facility the application documents.

3. The decision to grant a license occurs when our license processing facility enters the data into the amateur service licensee data base. Currently, however, the new licensee must delay beginning operation until a license document can be printed, mailed, and delivered. This procedure can result in several weeks delay during which the licensee cannot operate an amateur station. Fortunately, information technology is making our amateur service licensee data base more widely available, thus diminishing the need for an amateur operator to hold a license document before exercising the privileges authorized by the grant of the license. We are amending the rules, therefore, to authorize operation on the basis of the licensee data appearing in the amateur service licensee data base.

4. Beginning in 1995, our new system also will give us the capability to make a timely mailing to a licensee's address of record a renewal short form, filled in and ready for signature. We are amending the rules to allow this form to be used. Because we cannot be certain of delivery of the form to every licensee in every instance, however, we will also continue to allow the Form 610 to be used for renewing licenses.

5. We are also combining into § 97.509 all of the administering volunteers examiner (VE) requirements that are presently stated in four separate rule sections, and adding new § 97.511, *Examinee conduct*, to emphasize that an examinee must comply with the instructions given by the administering VEs. Further, we are amending § 97.9 to treat Technician Plus as a license class.

6. We certify that the Regulatory Flexibility Act of 1980 does not apply to the amended rules because there will not be any significant economic impact on a substantial number of small

business entities, as defined by section 601(3) of the Regulatory Flexibility Act. The amateur service may not be used to transmit communications for compensation, for the pecuniary benefit of the station control operator or the station control operator's employer, or for communications, on a regular basis, which could reasonably be furnished through other radio services. See 47 CFR 97.113.

7. The Secretary shall send a copy of this Order, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612 (1981).

8. The Commission ordered that effective December 20, 1994, part 97 of the Commission's rules, 47 CFR part 97, IS AMENDED as set forth below.

List of Subjects in 47 CFR Part 97

Radio, Reporting and recordkeeping requirements, Volunteers.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

Part 97 of chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. Section 97.5 is revised to read as follows:

§ 97.5 Station license required.

(a) The person having physical control of the station apparatus must have been granted a station license of the type listed in paragraph (b) of this section, or hold an unexpired document of the type listed in paragraph (c) of this section, before the station may transmit on any amateur service frequency from any place that is:

(1) Within 50 km of the Earth's surface and at a place where the amateur service is regulated by the FCC;

(2) Within 50 km of the Earth's surface and aboard any vessel or craft that is documented or registered in the United States; or

(3) More than 50 km above the Earth's surface aboard any craft that is documented or registered in the United States.

(b) The types of station licenses are:

(1) An operator/primary station license. One, but only one, operator/primary station license is granted to each person who is qualified to be an amateur operator. The primary station license is granted together with the amateur operator license. Except for a representative of a foreign government, any person who qualifies by examination is eligible to apply for an operator/primary station license. The operator/primary station license document is printed on FCC Form 660.

(2) A club station license. A club station license is granted only to the person who is the license trustee designated by an officer of the club. The trustee must be a person who has been granted an Amateur Extra, Advanced, General, Technician Plus, or Technician operator license. The club must be composed of at least two persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this Part. The club station license document is printed on FCC Form 660.

(3) A military recreation station license. A military recreation station license is granted only to the person who is the license custodian designated by the official in charge of the United States military recreational premises where the station is situated. The person must not be a representative of a foreign government. The person need not have been granted an amateur operator license. The military recreation station license document is printed on FCC Form 660.

(4) A RACES station license. A RACES station license is granted only to the person who is the license custodian designated by the official responsible for the governmental agency served by that civil defense organization. The custodian must be the civil defense official responsible for coordination of all civil defense activities in the area concerned. The custodian must not be a representative of a foreign government. The custodian need not have been granted an amateur operator license. The RACES station license document is printed on FCC Form 660.

(c) The types of documents are:

(1) A reciprocal permit for alien amateur licensee (FCC Form 610-AL) issued to the person by the FCC.

(2) An amateur service license issued to the person by the Government of Canada. The person must be a Canadian citizen.

(d) A person who has been granted a station license of the type listed in paragraph (b) of this section, or who holds an unexpired document of the type listed in paragraph (c) of this

section, is authorized to use in accordance with the FCC Rules all transmitting apparatus under the physical control of the station licensee at points where the amateur service is regulated by the FCC.

3. Section 97.7 is revised to read as follows:

§ 97.7 Control operator required.

When transmitting, each amateur station must have a control operator. The control operator must be a person who has been granted an amateur operator/primary station license, or who holds an unexpired document of the following types:

(a) A reciprocal permit for alien amateur licensee (FCC Form 610-AL) issued to the person by the FCC, or

(b) An amateur service license issued to the person by the Government of Canada. The person must be a Canadian citizen.

4. Section 97.9 is revised to read as follows:

§ 97.9 Operator license.

(a) The classes of amateur operator licenses are: Novice, Technician, Technician Plus (until such licenses expire, a Technician Class license granted before February 14, 1991, is considered a Technician Plus Class license), General, Advanced, and Amateur Extra. A person who has been granted an operator license is authorized to be the control operator of an amateur station with the privileges of the operator class specified on the license.

(b) A person who has been granted an operator license of Novice, Technician, Technician Plus, General, or Advanced class and who has properly submitted to the administering VEs an application document, FCC Form 610, for an operator license of a higher class, and who holds a CSCE indicating that the person has completed the necessary examinations within the previous 365 days, is authorized to exercise the rights and privileges of the higher operator class until final disposition of the application or until 365 days following the passing of the examination, whichever comes first.

5. Section 97.17 is revised to read as follows:

§ 97.17 Application for new license or reciprocal permit for alien amateur licensee.

(a) Any qualified person is eligible to apply for an amateur service license.

(b) Each application for a new amateur service license must be made on the proper document:

(1) FCC Form 610 for a new operator/primary station license;

(2) FCC Form 610-A for a reciprocal permit for alien amateur licensee; and

(3) FCC Form 610-B for a new amateur service club or military recreation station license.

(c) Each application for a new operator/primary station license must be submitted to the VEs administering the qualifying examination.

(d) Any eligible person may apply for a reciprocal permit for alien amateur licensee. The application document, FCC Form 610-A, must be submitted to the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

(1) The person must be a citizen of a country with which the United States has arrangements to grant reciprocal operating permits to visiting alien amateur operators is eligible to apply for a reciprocal permit for alien amateur licensee.

(2) The person must be a citizen of the same country that issued the amateur service license.

(3) No person who is a citizen of the United States, regardless of any other citizenship also held, is eligible for a reciprocal permit for alien amateur licensee.

(4) No person who has been granted an amateur operator license is eligible for a reciprocal permit for alien amateur licensee.

(e) No person shall obtain or attempt to obtain, or assist another person to obtain or attempt to obtain, an amateur service license or reciprocal permit for alien amateur licensee by fraudulent means.

(f) One unique call sign will be shown on the license of each new primary station. The call sign will be selected by the sequential call sign system.

(g) No new license for a club, military recreation, or RACES station will be granted.

§ 97.19 [Removed and reserved]

6. Section 97.19 is removed and reserved.

7. Section 97.21 is revised to read as follows:

§ 97.21 Application for a modified or renewed license.

(a) A person who has been granted an amateur station license that has not expired:

(1) Must apply for a modification of the license as necessary to show the correct mailing address, licensee name, club name, license trustee name, or license custodian name. The application document must be submitted to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. For an operator/primary station license, the application must be made on FCC Form 610. For a club,

military recreation, or RACES station license, the application must be made on FCC Form 610-B.

(2) May apply for a modification of the license to show a higher operator class. The application must be made on FCC Form 610 and must be submitted to the VEs administering the qualifying examination.

(3) May apply for renewal of the license for another term. (The FCC may mail to the licensee an FCC Form 610-R that may be used for this purpose.) The application may be made on the FCC Form 610-R if it is received from the FCC. If the Form 610-R is not received from the FCC at least 30 days before the expiration of the license, for an operator/primary station license, the application may be made on FCC Form 610. For a club, military recreation, or RACES station license, the application may be made on FCC Form 610-B. The application must be submitted no more than 90 days before its expiration to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. When the application for renewal of the license has been received by the FCC at 1270 Fairfield Road, Gettysburg, PA 17325-7245 prior to the license expiration date, the license operating authority is continued until the final disposition of the application.

(4) May apply for a modification of the license to show a different call sign selected by the sequential call sign system. The application document must be submitted to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. The application must be made on FCC Form 610. This modification is not available to club, military recreation, or RACES stations.

(b) A person who had been granted an amateur station license, but the license has expired, may apply for renewal of the license for another term during a 2 year filing grace period. The application document must be received by the FCC at 1270 Fairfield Road, Gettysburg, PA 17325-7245 prior to the end of the grace period. For an operator/primary station license, the application must be made on FCC Form 610. For a club, military recreation, or RACES station license, the application must be made on FCC Form 610-B. Unless and until the license is renewed, no privileges in this part are conferred.

(c) Each application for a modified or renewed amateur service license must be accompanied by a photocopy (or the original) of the license document unless an application for renewal using FCC Form 610-R is being made, or unless the original document has been lost, mutilated or destroyed.

(d) Unless the holder of a station license requests a change in call sign, the same call sign will be assigned to the station upon renewal or modification of a station license.

(e) A reciprocal permit for alien amateur licensee cannot be renewed. A new reciprocal permit for alien amateur licensee may be issued upon proper application.

8. Section 97.23 is revised to read as follows:

§ 97.23 Mailing address.

(a) Each application for a license and each application for a *reciprocal permit for alien amateur licensee* must show a mailing address in an area where the amateur service is regulated by the FCC and where the licensee or permittee can receive mail delivery by the United States Postal Service. Each application for a *reciprocal permit for alien amateur licensee* must also show the permittee's mailing address in the country of citizenship.

(b) When there is a change in the mailing address for a person who has been granted an amateur operator/primary station license, the person must file a timely application for a modification of the license. Revocation of the station license or suspension of the operator license may result when correspondence from the FCC is returned as undeliverable because the person failed to provide the correct mailing address.

(c) When a person who has been granted a *reciprocal permit for alien amateur licensee* changes the mailing address where he or she can receive mail delivery by the United States Postal Service, the person must file an application for a new permit. Cancellation of the *reciprocal permit for alien amateur licensee* may result when correspondence from the FCC is returned as undeliverable because the permittee failed to provide the correct mailing address.

9. Section 97.25 is revised to read as follows:

§ 97.25 License term.

(a) An amateur service license is normally granted for a 10-year term.

(b) A *reciprocal permit for alien amateur licensee* is normally granted for a 1-year term.

10. Section 97.27 is revised to read as follows:

§ 97.27 FCC modification of station license.

(a) The FCC may modify a station license, either for a limited time or for the duration of the term thereof, if it determines:

(1) That such action will promote the public interest, convenience, and necessity; or

(2) That such action will promote fuller compliance with the provisions of the Communications Act of 1934, as amended, or of any treaty ratified by the United States.

(b) When the FCC makes such a determination, it will issue an order of modification. The order will not become final until the licensee is notified in writing of the proposed action and the grounds and reasons therefor. The licensee will be given reasonable opportunity of no less than 30 days to protest the modification; except that, where safety of life or property is involved, a shorter period of notice may be provided. Any protest by a licensee of an FCC order of modification will be handled in accordance with the provisions of 47 U.S.C. 316.

11. Section 97.29 is added to read as follows:

§ 97.29 Replacement license document.

Each person who has been granted an amateur station license or *reciprocal permit for alien amateur licensee* whose original license document or permit document is lost, mutilated or destroyed must request a replacement. The request must be made to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. A statement of how the document was lost, mutilated, or destroyed must be attached to the request. A replacement document must bear the same expiration date as the document that it replaces.

12. In § 97.301, introductory text of paragraphs (a) through (f) are revised to read as follows:

§ 97.301 Authorized frequency bands.

(a) For a station having a control operator who has been granted an operator license of Technician, Technician Plus, General, Advanced, or Amateur Extra Class:

(b) For a station having a control operator who has been granted an operator license of Amateur Extra Class:

(c) For a station having a control operator who has been granted an operator license of Advanced Class:

(d) For a station having a control operator who has been granted an operator license of General Class:

(e) For a station having a control operator who has been granted an

operator license of Novice or Technician Plus Class:

* * * * *

(f) For a station having a control operator who has been granted an operator license of Novice Class:

* * * * *

13. Section 97.501 is amended by revising the introductory text, paragraphs (d) and (e), and by adding new paragraph (f) to read as follows:

§ 97.501 Qualifying for an amateur operator license.

Each applicant for the grant of a new amateur operator license or for the grant of a modified license to show a higher operator class, must pass or otherwise receive credit for the examination elements specified for the class of operator license sought:

* * * * *

(d) Technician Plus Class operator: Elements 1(A) or 1(B) or 1(C), 2, and 3(A).

(e) Technician Class operator: Elements 2 and 3(A).

(f) Novice Class operator: Elements 1(A) or 1(B) or 1(C), and 2.

14. Section 97.505 is revised to read as follows:

§ 97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following documents:

(1) An unexpired (or expired but within the grace period for renewal) FCC-granted Advanced Class operator license document: Elements 1(B), 2, 3(A), 3(B), and 4(A).

(2) An unexpired (or expired but within the grace period for renewal) FCC-granted General Class operator license document: Elements 1(b), 2, 3(A), and 3(B).

(3) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Plus Class operator (including a Technician Class operator license granted before February 14, 1991) license document: Elements 1(A), 2, and 3(A).

(4) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Class operator license document: Elements 2 and 3(A).

(5) An unexpired (or expired but within the grace period for renewal) FCC-granted Novice Class operator license document: Elements 1(A) and 2.

(6) A CSCE: Each element the CSCE indicates the examinee passed within the previous 365 days.

(7) An unexpired (or expired for less than 5 years) FCC-issued commercial radiotelegraph operator license document or permit: Element 1(C).

(8) An expired or unexpired FCC-issued Technician Class operator license document granted before March 21, 1987: Element 3(B).

(9) An expired or unexpired FCC-issued Technician Class license document granted before February 14, 1991: Element 1(A).

(10) An unexpired (or expired but within the grace period for renewal), FCC-granted Novice, Technician Plus (including a Technician Class operator license granted before February 14, 1991), General, or Advanced Class operator license document, and an FCC Form 610 containing:

(i) A physician's certification stating that because the person is an individual with a severe handicap, the duration of which will extend for more than 365 days beyond the date of the certification, the person is unable to pass a 13 or 20 words per minute telegraphy examination; and

(ii) A release signed by the person permitting the disclosure to the FCC of medical information pertaining to the person's handicap: Element 1(C).

(b) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any other license grant or document.

15. Section 97.507 is amended by revising introductory text of paragraph (a) and paragraph (a)(3) to read as follows:

§ 97.507 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee must be prepared by a VE who has been granted an Amateur Extra Class operator license. A telegraphy message or written question set, however, may also be prepared for the following elements by a VE who has been granted an FCC operator license of the class indicated:

* * * * *

(3) Element 2: Advanced, General, Technician, or Technician Plus Class operator.

* * * * *

16. Section 97.509 is revised to read as follows:

§ 97.509 Administering VE requirements.

(a) Each examination for an amateur operator license must be administered by 3 administering VEs at an examination session coordinated by a VEC. Before the session, the administering VEs must make a public announcement stating the location and time of the session. The number of examinees at the session may be limited.

(b) Each administering VE must:

(1) Be accredited by the coordinating VEC;

(2) Be at least 18 years of age;

(3) Be a person who has been granted an FCC amateur operator license document of the class specified below:

(i) Amateur Extra, Advanced, or General Class in order to administer a Novice, Technician, or Technician Plus Class operator license examination;

(ii) Amateur Extra Class in order to administer a General, Advanced, or Amateur Extra Class operator license examination.

(4) Not be a person whose grant of an amateur station license or amateur operator license has ever been revoked or suspended.

(5) Not own a significant interest in, or be an employee of, any company or other entity that is engaged in the manufacture or distribution of equipment used in connection with amateur station transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur operator licenses. (An employee who does not normally communicate with that part of an entity engaged in the manufacture or distribution of such equipment, or in the preparation or distribution of any publication used in preparation for obtaining amateur operator licenses, may be an administering VE.)

(c) Each administering VE must be present and observing the examinee throughout the entire examination. The administering VEs are responsible for the proper conduct and necessary supervision of each examination. The administering VEs must immediately terminate the examination upon failure of the examinee to comply with their instructions.

(d) No VE may administer an examination to his or her spouse, children, grandchildren, stepchildren, parents, grandparents, stepparents, brothers, sisters, stepbrothers, stepsisters, aunts, uncles, nieces, nephews, and in-laws.

(e) No VE may administer or certify any examination by fraudulent means or for monetary or other consideration including reimbursement in any amount in excess of that permitted. Violation of this provision may result in the revocation of the grant of the VE's amateur station license and the suspension of the grant of the VE's amateur operator license.

(f) No examination that has been compromised shall be administered to any examinee. Neither the same telegraphy message nor the same question set may be re-administered to the same examinee.

(g) Passing a telegraphy receiving examination is adequate proof of an examinee's ability to both send and receive telegraphy. The administering VEs, however, may also include a sending segment in a telegraphy examination.

(h) Upon completion of each examination element, the administering VEs must immediately grade the examinee's answers. The administering VEs are responsible for determining the correctness of the examinee's answers.

(i) When the examinee is credited for all examination elements required for the operator license sought, the administering VEs must certify on the examinee's application document that the applicant is qualified for the license.

(j) When the examinee does not score a passing grade on an examination element, the administering VEs must return the application document to the examinee and inform the examinee of the grade.

(k) The administering VEs must accommodate an examinee whose physical disabilities require a special examination procedure. The administering VEs may require a physician's certification indicating the nature of the disability before determining which, if any, special procedures must be used.

(l) The administering VEs must issue a CSCE to an examinee who scores a passing grade on an examination element.

(m) Within 10 days of the administration of a successful examination for an amateur operator license, the administering VEs must submit the application document to the coordinating VEC.

17. Section 97.511 is revised to read as follows:

§ 97.511 Examinee conduct.

Each examinee must comply with the instructions given by the administering VEs.

§ 97.515 [Removed and reserved]

18. Section 97.515 is removed and reserved.

§ 97.517 [Removed and reserved]

19. Section 97.517 is removed and reserved.

20. Section 97.519 is amended by revising paragraph (b) and adding a new paragraph (d) to read as follows:

§ 97.519 Coordinating examination sessions.

* * * * *

(b) At the completion of each examination session, the coordinating VEC must collect the FCC Forms 610

documents and test results from the administering VEs. Within 10 days of collecting the FCC Forms 610 documents, the coordinating VEC must screen and, for qualified examinees, forward electronically or on diskette the data contained on the FCC Forms 610 documents, or forward the FCC Form 610 documents, to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. When the data is forwarded electronically, the coordinating VEC must retain the FCC Forms 610 documents for at least fifteen months and make them available to the FCC upon request.

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(d) The FCC may:

(1) Administer any examination element itself;

(2) Readminister any examination element previously administered by VEs, either itself or under the supervision of a VEC or VEs designated by the FCC; or

(3) Cancel the operator/primary station license of any licensee who fails to appear for readministration of an examination when directed by the FCC, or who does not successfully complete any required element that is readministered. In an instance of such cancellation, the person will be granted an operator/primary station license consistent with completed examination elements that have not been invalidated by not appearing for, or by failing, the examination upon readministration.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 93-15; Notice 2]

RIN 2127-AE38

Federal Motor Vehicle Safety Standards Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.
ACTION: Final rule.

SUMMARY: This notice amends Federal Motor Vehicle Safety Standard No. 108 to specify that plastic materials used in reflex reflectors show not more than 7 percent haze after a 3-year outdoor exposure test, a level at which haze becomes discernable to the naked eye. This amendment will not change the stringency of the standard as it has been

applied, but it will increase its objectivity. NHTSA has not adopted its proposal that cumulative haze not exceed 7 percent when a plastic lens is placed in front of a reflex reflector. Instead, the same haze criterion is applied to the reflex reflector and outer lens material. This approach will limit cumulative haze to about the same level without the need to retest current materials.

DATES: The amendment is effective November 1, 1995.

FOR FURTHER INFORMATION CONTACT: Patrick Boyd, Office of Rulemaking (202-366-6346).

SUPPLEMENTARY INFORMATION: Sierra Products of Livermore, California ("Sierra") filed a "Petition to Amend FMVSS 108 Updating Weather & Heat Testing of Vehicle Lights & Reflectors." In granting the petition, NHTSA considered that three principal issues and several lesser issues merited public consideration and comment. An appropriate notice of proposed rulemaking (NPRM) was published on March 9, 1993, and an opportunity afforded for comment (58 FR 13042). Its primary subject concerned the permissibility of a minimum amount of haze. NHTSA noted that if any of the other issues merited the initiation of rulemaking, a supplemental notice of proposed rulemaking would follow.

Comments on the NPRM were received from Trucklite, Truck Safety Equipment Institute (TSEI), American Automobile Manufacturers Association (AAMA), 3M, Chrysler Corporation, Ford Motor Company, General Motors Corporation (GM), Japan Auto Parts Industries Association (JAPIA), Peterson Manufacturing, Thomas Loughran, and General Electric Plastics (GEP).

1. Haze Limit for Reflex Reflectors

The principal issue of the NPRM concerned the permissible amount of haze after outdoor exposure testing of reflex reflectors. S5.1.2 of Standard No. 108 establishes requirements for plastic materials used for optical parts such as lenses and reflectors. One of the requirements (subsection (c)) is that plastic materials used for reflex reflectors shall meet the appearance requirements of paragraph 4.2.2 of SAE Recommended Practice J576c, May 1970, after the 3-year exposure test specified in the Recommended Practice. Paragraph 4.2.2 states in pertinent part that "The exposed samples, when compared with the unexposed control samples, shall not show * * * haze * * *." Whether a sample shows haze has traditionally been determined by whether haze is visible to the naked eye.